



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 8, 2001

Esteban Torres  
601 S. Glenoaks Blvd., Suite 208  
Burbank, California 91502

RE: MUR 5202

Dear Mr. Torres:

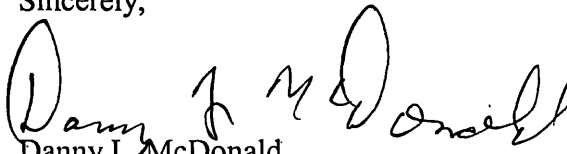
On May 10, 2001, the Federal Election Commission found reason to believe that Hispanic PAC USA, Inc. ("Committee") and you, as treasurer, violated 2 U.S.C. § 434 (a) (4) (iv), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act.") However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that the failure to timely file disclosure reports is a violation of the Act. You should take steps to ensure that this activity does not occur in the future.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact Tracey C. Robinson, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

  
Danny L. McDonald  
Chairman

Enclosure

Factual and Legal Analysis

21-04-405-1271

**FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS:    Hispanic PAC USA, Inc.  
                         and Esteban Torres, as Treasurer

MUR: 5202

**I. GENERATION OF MATTER**

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

**II. FACTUAL AND LEGAL ANALYSIS**

**A.    The Law**

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that all political committees other than authorized committees of a candidate file either quarterly or monthly reports.

The relevant provisions for quarterly report filings are as follows. In a calendar year in which a regularly scheduled general election is held, quarterly reports shall be filed no later than the 15th day after the last day of each calendar quarter: except the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(i). In any other calendar year, reports covering the period beginning January 1 and ending June 30, must be filed no later than July 31, and reports covering the period beginning July 1 and ending December 31, must be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(iv).

Pursuant to Section 434(a)(1), the treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of that subsection.

**B. The Facts**

Hispanic PAC USA, Inc. and Esteban Torres, as Treasurer ("the Committee") is a political committee that is not an authorized committee of a candidate. The Committee elected to file reports on a quarterly basis.

The respondents failed to timely file the 1999 Mid-Year Report by July 31, 1999 as required.

The 1999 Mid-Year Report, which disclosed \$12,843 in receipts and \$19,837 in disbursements, was not filed until September 27, 1999, 58 days late.

Prior notices were mailed to the committee informing it of the due date for filing the report at issue. Following the due date, separate non-filer notices for the report was mailed to the committee stating its failure to file the report at issue and advising it to file the report immediately.

Therefore, there is reason to believe that Hispanic PAC USA, Inc. and Esteban Torres, as Treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv).